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*Ans*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,806	12/08/1999	YUNG-CHING SHA	SHA-2	6937

7590 11/18/2003

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EXAMINER

BLOUNT, STEVEN

ART UNIT PAPER NUMBER

2661

DATE MAILED: 11/18/2003

*6e*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/456,806

Applicant(s)

Yung-ching Sha

Examiner

Blount

Group Art Unit

2661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on 9/4/03
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-6, 10-11, 19-20, 22-28 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6, 10-11, 19-20, 22-28 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 6/6/03 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The corrected or substitute drawings were received on 6/06/03. These drawings are approved.

### *Claim Rejections - 35 U.S.C. § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 - 6, 10 - 11, 19 - 20, and 22 - 28 are rejected under 35 U.S.C. 112 second paragraph.

In claim 23, "the last-specified user directive" (line 6) lacks antecedent basis. In claim 26, line 3, "an ATM processing units" is indefinite, and in the second to last sentence, the examiner believes that the word "of" should be considered to be placed between the words "framer" and "another". Also, in claim 6, second to last line, the phrase "I/O modules is" is indefinite. (Words to the effect of "wherein the second I/O module is" might be used). In claim 1, line 7, "said ATM" lacks antecedent basis.

### *Claim Rejections - 35 U.S.C. § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23 - 24 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 5870382 to Tounai et al.

With regard to claim 23, Tounai et al teaches I/O modules 3, 4 wherein a user-defined threshold may be set to override any other line condition control commands (see col 7, lines 20+, where it is noted that the "A code "1111" is an external request such as "lockout of protection" (inhibit the switching to the P-line side)." See also col 6). In the absence of such a command being set (IE, if this command is not set but instead a command such as 1100 is set instead), then this value (in the K1 byte) is sent to the switch, and if it matches a value that the switch received from the K2 byte (see col 13, line 1), then switching to a protection line is enabled. It is noted that even though switching over is not performed when one of the values is "greater" than the other (IE, they are equal) this is an obvious variation. Further, the examiner believes that the teaching in the specification that "Further, CPU 156 receives user-requests signals from a user terminal...and those user-requests specify either a lockout, a forced switch, a manual switch, or a release directive"(page 6, lines 23+) and "Decision filter 256...develops an "Accept" (e.g., logic 1) or "Reject" (logic 0) control signal, as a function of the remembered most-recent directive from the user, and the inputs from framer 111 and 115" (pages 6 - 7) provide a teaching similar to that in Tounai et al, in that what is really taught in both cases is that whether to proceed is determined by both external input, and system generated variables (IE, whether there is a forced

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switch from the external user (col 6, line 9) or lockout from the external user (col 7, line 27), in addition to the parameters input by the system into the K1 and K2 bytes as discussed above).

With regard to claim 24, the K1 and K2 values are "bytes", so any registers used to hold the values during the comparison process (it is commonly known to use registers for this purpose) would have 8 bits in them.

*Response to Arguments*

6. Applicant's arguments filed 9/4/03 have been fully considered but they are not persuasive. With regard to claim 23. With regard to the other claims, they are deemed moot, as these claims have been allowed at least over the art of record (not inclusive of any 112 rejections).

The designation of a control and a service module in the preamble is accorded little patentable weight, since these modules are not recited in the body of the claim, and as they are apparatus limitations in a method claim, they are accorded weight only to the extent that they affect the method performed, which in this case really does not occur. As noted above, the user directive does assist in determining whether to change to the "standby" line (not of a particular *node* - this is not claimed). Changing bit values it taught throughout the patent. See, for example, columns 12 and 13.

7. Claims 1 - 6, 10 - 11, 19 - 20, and 22 would be allowable if applicant were to correct the 112 second paragraph rejection made in claim 1 above.

8. Steven Blount may be reached at 703 - 305 - 0319 Monday through Friday, 9:00 to 5:30.

SB 11/12/03

  
Ajit Patel  
Primary Examiner